

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Oscar Brown, Jr.

Docket No. 7:02-CR-14-1BR

Petition for Action on Supervised Release

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Oscar Brown, Jr., who, upon an earlier plea of guilty to Distribution of Cocaine Base, 21 U.S.C. § 841(a)(1), was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge, on June 3, 2002, to the custody of the Bureau of Prisons for a term of 188 months. On October 1, 2003, pursuant to a Rule 35 Motion, the imprisonment sentence was reduced from 188 months to 113 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 72 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
4. The defendant shall pay to the United States a fine of \$10,300, no interest, due immediately.
5. The defendant shall pay a special assessment of \$100.

Oscar Brown, Jr., was released from custody on December 17, 2009, at which time the term of supervised release commenced.

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On April 27, 2011, the court modified the releasee's conditions to include 2 days in jail and the DROPS condition beginning in the second use level as a sanction for the use of cocaine.

On August 28, 2012, the court was apprised the releasee was charged with Illegal Gambling in New Hanover County District Court, Wilmington, NC. The court agreed to hold the violation in abeyance. This charge is still pending.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 16 and February 6, 2013, the releasee submitted urine screens at the U.S. Probation Office, which revealed positive results for the use of cocaine. At first, the releasee denied using any illegal drugs. However, after discussing the matter further he admitted to using cocaine with a family friend. He was remorseful for his behavior and requested to participate in substance abuse treatment.

The releasee was admonished for his actions and immediately referred to substance abuse treatment at Coastal Horizons Treatment Center. The releasee lives with his mother and is employed full-time as a supervisor with SMG Management, at the Wilmington Convention Center. Based on his stable residence and employment, it is recommended the releasee's conditions be modified to include 90 days of home detention with electronic monitoring. This sanction should adequately address the violation behavior while providing the releasee with more structure. The releasee agreed to the modification. The releasee's urine screens have been intensified and he will be monitored closely for future drug use.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 90 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The defendant shall pay for electronic monitoring services as directed by the probation officer.

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Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton
Pamela O. Thornton
Senior U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: (910) 815-4857
Executed On: February 20, 2013

ORDER OF COURT

Considered and ordered this 21 day of February, 2013, and ordered filed and made a part of the records in the above case.



W. Earl Britt
Senior U.S. District Judge